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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,099	11/29/2000	Andrew Albert Messina	10541/16	6805
29074	7590	06/14/2004	EXAMINER	
VISTEON C/O BRINKS HOFER GILSON & LIONE PO BOX 10395 CHICAGO, IL 60610			LELE, TANMAY S	
			ART UNIT: 2684	PAPER NUMBER

DATE MAILED: 06/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/727,099

Applicant(s)

MESSINA ET AL.

Examiner

Tanmay S Lele

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-50 is/are pending in the application.
- 4a) Of the above claim(s) 1-24 and 51-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-50 is/are rejected.
- 7) ☒ Claim(s) 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group IV in the reply filed on 23 March 2003 is acknowledged. The traversal is on the ground(s) that "there would be no undue hardship for the Examiner to examine each invention." This is not found persuasive because as stated in the previous Office Action (paper number 10) different search areas would be required and hence hardship would be anticipated.

The requirement is still deemed proper and is therefore made FINAL.

### ***Double Patenting***

2. Applicant is advised that should claim 25 be found allowable, claim 43 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 25 –29,31 – 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Clayton et al (Clayton, US Patent 6,725,022).

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Regarding claim 25, Clayton teaches of a two-way satellite digital audio radio system (Figures 1 and 3) comprising: a ground station (Figures 1 and 3 and column 10, lines 55 –65); an information source connected to said ground station (Figures 1 and 3 and column 10, lines 55 –65 and column 7, lines 13 –18 and column 12, lines 8 –14); a satellite in communication with said ground station (Figures 1 and 3 and column 10, lines 55 –65); a vehicle comprising a telematics interface device (Figure 2 and column 9, lines 1 –29); a satellite-air interface that provides communication between said satellite and said telematics device (Figures 1 and 3 and column 10, lines 55 –65); and wherein said telematics interface device comprises a back-channel that is in communication with said information source independently of said satellite (Figures 1 and 3 and column 10, lines 55 –65 and column 11, lines 21 –39).

Regarding claim 43, Clayton teaches of a two-way satellite digital audio radio system (Figures 1 and 3) comprising: a ground station (Figures 1 and 3 and column 10, lines 55 –65); an information source means for providing information connected to said ground station (Figures 1 and 3 and column 10, lines 55 –65 and column 7, lines 13 –18 and column 12, lines 8 –14); a satellite in communication with said ground station (Figures 1 and 3 and column 10, lines 55 –65); a vehicle comprising a telematics interface means for providing telematics applications (Figure 2 and column 9, lines 1 –29); a satellite-air interface means for providing communication between said satellite and said telematics interface means (Figures 1 and 3 and column 10, lines 55 –65); and wherein said telematics interface means comprises a back-channel that is in communication with said information source independently of said satellite (Figures 1 and 3 and column 10, lines 55 –65 and column 11, lines 21 –39).

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Regarding claim 26, Clayton teaches all the claimed limitations as recited in claim 25. Clayton further teaches of wherein said information source comprises a web site (column 6, lines 63 –67 and column 6, lines 26 –30).

Regarding claim 27, Clayton teaches all the claimed limitations as recited in claim 25. Clayton further teaches of wherein said information source comprises a profile database (column 12, lines 8 –14).

Regarding claim 28, Clayton teaches all the claimed limitations as recited in claim 25. Clayton further teaches of wherein said information source comprises recorded music (column 6, lines 44 –54).

Regarding claims 29 and 44, Clayton teaches all the claimed limitations as recited in claims 25 and 43. Clayton further teaches of wherein said telematics interface device further comprises: an antenna that receives signals from said satellite air interface (Figure 2 and column 8, lines 32 –53); and a receiver that receives signals from said antenna (Figure 2 and column 8, lines 32 –53).

Regarding claims 31 and 45, Clayton teaches all the claimed limitations as recited in claims 25 and 43. Clayton further teaches of further comprising a transformation system to support varying hardware platforms (Figure 2 and column 12, lines 41 –62).

Regarding claims 32 and 46, Clayton teaches all the claimed limitations as recited in claims 25 and 43. Clayton further teaches of further comprising a second interface that allows communication between said back channel and said information source (Figures 1 and 3 and column 10, lines 55 –65 and column 11, lines 21 –39).

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Regarding claim 33, Clayton teaches all the claimed limitations as recited in claim 32. Clayton further teaches of wherein said second interface is a terrestrial-air interface. (Figures 1 and 3 and column 10, lines 55 –65 and column 11, lines 21 –39).

Regarding claim 34, Clayton teaches all the claimed limitations as recited in claim 32. Clayton further teaches of wherein said second interface is a satellite-air interface. (Figures 1 and 3 and column 10, lines 55 –65 and column 11, lines 21 –39).

Regarding claims 35 and 47, Clayton teaches all the claimed limitations as recited in claims 29 and 43. Clayton further teaches of wherein said telematics interface device further comprises a receiver device partitioning system that is connected with said receiver (Figure 2 and column 8, lines 30 –67) and receives digital data from said receiver and extracts telematics-specific data from said digital data (Figure 2 and column 8, lines 30 –67 and column 10, lines 25 –36).

Regarding claim 36, Clayton teaches all the claimed limitations as recited in claim 35. Clayton further teaches of wherein said receiver device partitioning system comprises a data channel decoder that conducts channel decoding of said digital data (Figure 2 and column 8, lines 30 –67 and column 10, lines 25 –36 and column 9, lines 14 –29).

Regarding claim 37, Clayton teaches all the claimed limitations as recited in claim 35. Clayton further teaches of wherein said receiver device partitioning system comprises a data service decoder that converts said digital data to a format that is functionally usable for said telematics interface device (column 9, lines 14 –29 and column 10, lines 26 –36 and column 11, lines 21 –49).

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Regarding claim 38, Clayton teaches all the claimed limitations as recited in claim 36. Clayton further teaches of wherein said receiver device partitioning system comprises a data service decoder that converts said decoded digital data to a format that is functionally usable for said telematics interface device (column 9, lines 14 –29 and column 10, lines 26 –36 and column 11, lines 21 –49).

Regarding claim 39, Clayton teaches all the claimed limitations as recited in claim 25. Clayton further teaches of wherein said telematics interface device provides audio sound based on said communication between said satellite and said telematics device (column 10, lines 59 – 65).

Regarding claims 40 and 48, Clayton teaches all the claimed limitations as recited in claims 25 and 43. Clayton further teaches of wherein said telematics interface device comprises a button that when depressed allows the purchase of an item (column 11, lines 25 –39).

Regarding claims 41 and 49, Clayton teaches all the claimed limitations as recited in claims 25 and 43. Clayton further teaches of wherein said telematics interface device comprises a button that when depressed indicates a like or dislike of an item (column 11, lines 25 – 39).

Regarding claims 42 and 50, Clayton teaches all the claimed limitations as recited in claims 25 and 44. Clayton further teaches of wherein said telematics interface device comprises a global positioning system for determining the location of said vehicle (column 11, lines 25 – 32 and column 8, lines 11 –15).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clayton et al (Clayton, US Patent 6,725,022) as applied to claim 29 above, and further in view of Osmani et al. (Osmani, US Patent No. 5,797,101).

Regarding claim 30, Clayton teaches all the claimed limitations as recited in claim 29.

Clayton does not specifically teach of wherein said receiver has a unique alpha-numeric name associated therewith (though does teach of cellular network access for example column 10, lines 57 –62).

In a related art dealing with the accessing of cellular networks, Osmani teaches of wherein said receiver has a unique alpha-numeric name associated therewith (column 17, lines 12 –17).

It would have been obvious to one skilled in the art at the time of invention to have included into Clayton's vehicular communications device, Osmani's 12345678 unique serial number, for the purposes of validly accessing a cellular network to obtain service, as taught by Osmani.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

  
Tanmay S Lele  
Examiner  
Art Unit 2684

tsl  
June 9, 2004

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**